

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

UNITED STATES OF AMERICA,
ex rel. ALEX DOE, Relator,

THE STATE OF TEXAS,
ex rel. ALEX DOE, Relator,

THE STATE OF LOUISIANA,
ex rel. ALEX DOE, Relator,

Plaintiffs,

V.

Civil Action No. 2:21-CV-00022-Z

PLANNED PARENTHOOD
FEDERATION OF AMERICA, INC.,
PLANNED PARENTHOOD GULF
COAST, INC., PLANNED
PARENTHOOD OF GREATER
TEXAS, INC., PLANNED
PLANNED PARENTHOOD SOUTH
TEXAS, INC., PLANNED
PARENTHOOD CAMERON
COUNTY, INC., PLANNED
PARENTHOOD SAN ANTONIO,
INC.,

Defendants.

**PLAINTIFFS' UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE
RESPONSE TO DEFENDANTS' MOTION FOR JUDGMENT ON THE
PLEADINGS AND MOTION FOR EXPEDITED CONSIDERATION**

Plaintiffs respectfully move this Court for an extension of time to file Plaintiffs' Responses to Defendants' Motion for Judgment on the Pleadings until October 4, 2023, or until the Court has resolved Plaintiffs' Motion to Strike and Stay Briefing (Dkt. 536). Plaintiffs also respectfully move for expedited consideration of this motion in light of Plaintiffs' deadline on Friday, September 22. In support thereof, Plaintiffs states as follows:

1. On Friday, September 1, 2023, Defendants filed a Motion for Judgment on the Pleadings contending that the FCA, TMFPA, and LMAPIL are unconstitutional. Dkt. 533, 534. Pursuant to Local Rule 7, Plaintiffs' response to this motion is due on September 22, 2023.

2. Because Defendants' Motion was filed nearly nine months after the dispositive motion deadline, Plaintiffs filed a motion to strike Defendants' motion as untimely and to stay the briefing on Defendants' motion until Plaintiffs' motion to strike is resolved. Dkt. 536. Plaintiffs filed this motion the second business day following Defendants' filing, which was Wednesday, September 6, 2023. *Id.*

3. Defendants filed their response to Plaintiffs' motion to strike on Friday, September 15, 2023. Dkt. 537. Plaintiffs filed their reply at noon on the next business day, Monday, September 18, 2023. Dkt. 538.

4. With the deadline for Plaintiffs' response to Defendants' Motion for Judgment on the Pleadings quickly approaching, Relator's counsel emailed the courtroom deputy, copying counsel for Defendants and Texas, on September 20, 2023 to inquire about whether the requested stay might be ruled on before the deadline.

Relator's counsel did not want to unnecessarily burden the Court with another motion requesting an extension. The Court issued a notice on September 20, 2023 stating that if a party desires an extension, the party should submit a motion. Dkt. 539. The Court also noted that it "has, in the past, generously granted extensions to both parties in this matter." *Id.*

5. Because of the pending motion to strike, undersigned counsel requests a brief extension of time for the responses to the above-mentioned motions. The purpose of the extension is not for delay, but to allow counsel to provide helpful briefing to the Court and to avoid unnecessary expenditure of counsel's and the Court's time should the Court agree that Defendants' Motion for Judgment on the Pleadings is untimely, which would make a response to Defendants' assertions of unconstitutionality of the three statutes at issue here unnecessary.

6. In addition, Plaintiffs' response to Defendants' Motion for Clarification and Partial Reconsideration (which was also filed on September 1, 2023) is also due on Friday, September 22. In preparing Plaintiffs' response, counsel is reviewing lengthy documents with Defendants' proposed redactions that Defendants just provided this morning in order to see whether the parties may be able to agree on some matters presented in Defendants' motion. Because of this review and the need to prepare the response to that motion, Plaintiffs require additional time to respond to Defendants' Motion for Judgment on the Pleadings, if the Court does not grant Plaintiffs' motion to strike and/or stay briefing until the motion to strike is resolved.

7. Relator's counsel also has another significant briefing deadline on September 29, 2023 in another case in the Northern District of Texas.

8. On September 20, 2023, Relator's counsel conferred with Defendants' counsel regarding this motion. Defendants are unopposed to the extension until October 4, 2023.

CONCLUSION

For the foregoing reasons, Plaintiffs respectfully request an extension of time to file Plaintiffs' Response to Defendants' Motion for Judgment on the Pleadings until October 4, 2023, *or* until after the Court has resolved Plaintiffs' Motion to Strike and Stay Briefing (Dkt. 536). Plaintiffs also respectfully request expedited consideration of this motion giving the quickly approaching deadline.

Respectfully submitted.

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CERTIFICATE OF CONFERENCE

On September 20, 2023, counsel for Relator conferred with counsel for Defendants regarding the relief requested in this motion. Defendants are unopposed to the extension until October 4, 2023.

/s/ Heather Gebelin Hacker
Heather Gebelin Hacker

CERTIFICATE OF SERVICE

I hereby certify that on September 20, 2023, I electronically filed the foregoing document through the Court's ECF system, which automatically notifies counsel of record for each party.

/s/ Heather Gebelin Hacker
Heather Gebelin Hacker